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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,172	12/21/2005	Harald Koellner	40149/01001	1304
3636 7590 12/02/2008 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038				
EXAMINER				
STRIMBU, GREGORY J				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
12/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/562,172

**Applicant(s)**

KOEHLNER ET AL.

**Examiner**

Gregory J. Strimbu

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date 12/21/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

It should first be noted that the claims submitted in the preliminary amendment of March 6, 2007 are improperly numbered. In order to further the prosecution of the application, the second set of claims 13-15 have been renumbered 16-18, respectively.

### ***Drawings***

Figures 1 and 2a should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because the applicant has failed to use the proper cross sectional shading in figure 3a. See MPEP 608.02. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "11" has been used to designate both a direction in figure 2b and the door inner panel in figure 3b. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of receivers (claim 15) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the legal phraseology "said" on lines 1 and 2 should be avoided. On lines 2-3, "a motor vehicle door" is confusing since it is unclear whether or not the applicant is referring to the motor vehicle door set forth above. On lines 4-5, "to support the motor vehicle door (3) on the edge area (2a) of the opening" is confusing since it is unclear how the brackets can support the door. Note that it appears that the door supports the brackets. On lines 6-7, "an inside door covering" is confusing since it is unclear whether or not the applicant is referring to the inside door panel set forth above. On line 7, "adjusted" is confusing since it appears that the brackets merely set the gap between the trim panel and the inner door panel rather than adjust it. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.

- (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
  - (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
  - (i) DETAILED DESCRIPTION OF THE INVENTION.
  - (j) CLAIM OR CLAIMS (commencing on a separate sheet).
  - (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
  - (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: recitations referring to the claims on lines 1-2 of paragraph 7, lines 1-2 of paragraph 11, lines 1-2 of paragraph 13, and lines 1-2 of paragraph 15; the description of figures 3a/3b in paragraph 30 is inadequate.; it appears that "6" on line 4 of paragraph 31 should be changed to --6'-- to avoid confusion; "the peripheral seal 7 are" on line 9 of paragraph 32 is grammatically incorrect; "openings 2" on line 1 of paragraph 34 is confusing since only one opening 2 is shown in the drawings; lines 1-3 of paragraph 35 are confusing since it is unclear what the applicant is attempting to set forth. Finally, the applicant should avoid referring to the same element of the invention with different language. For example, the applicant should avoid referring to element 9 as a peripheral seal on line 2 of paragraph 2 and as locking lugs on line 8 of paragraph 32. Also see film hinge 8 and base body 8 on lines 3-4 of paragraph 38 and inner panel 11 on line 2 of paragraph 39.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "for supporting an edge of the opening" on line 4 of claim 1 render the claims indefinite because it is unclear how the base and the bracket can support the edge of the opening of the door. It appears that the edge of the opening of the door supports the base and bracket rather than the converse. Recitations such as "the door module" on line 1 of claim 2 render the claims indefinite because they lack antecedent basis. Recitations such as "a door" on line 2 of claim 3 render the claims indefinite because it is unclear whether or not the applicant is referring to the door set forth on line 1 of claim 1. Recitations such as "extending around a perimeter of the opening" on line 2 of claim 4 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of a module or the combination of the module and the door. The preamble of claim 1 implies the subcombination while the positive recitation of the opening of the door implies the combination. Recitations such as "a clipping opening" on line 2 of claim 7 render the claims indefinite because it is unclear if the applicant is referring to the fixation point set forth in claim 1 or is attempting to set forth another element of the invention in addition to the fixation point above. Recitations such as "a plurality of fixation elements" on line 2 of claim 12 render the claims indefinite because it is unclear if the fixation elements include the at least one bracket set forth above or are in addition to the at least one bracket.



***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-9 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lau et al. (US 5048234). Lau et al. discloses a module 24 for covering an opening 22 in a motor vehicle door, comprising: a base body 24 including a base and at least one bracket 52 movable with respect to the base, the bracket including a supporting surface (not numbered, but shown in figure 4) for supporting an edge of the opening, the bracket including at least one fixation point (not numbered, but comprising the hole through which the bolt 66 extends) for fastening to a door trim 70;

regarding claim 2, the door module includes a sheet of one of a metal and a plastic;

regarding claim 3, the door trim is an inner trim of a door;

regarding claim 5, the bracket 52 is integrally formed on the base body 24;

regarding claim 6, the bracket 52 is coupled to the base by a film hinge (not numbered, but shown in figure 4);

regarding claim 7, the bracket 52 is a fixation element including a clipping opening (not numbered, but comprising the opening through which the bolt 66 extends) sized to receive and clip therein a corresponding part of the inner trim;

regarding claims 8, 9 and 12, the at least one bracket 52 comprises 3 to 20 brackets 54, 56, 58, 60;

regarding claim 11, the bracket 52 is fastened to the base 24 by at least one spring element (not numbered, but shown in figure 4);

regarding claim 13, an elasticity of the bracket 52 relative to the base 24 is such that the base is movable with respect to a support edge of the bracket in a direction substantially perpendicular to a plane of the door by up to 1 mm while maintaining pressure between the support edge and the edge of the opening as shown in figure 5;

regarding claim 14, an elasticity of the bracket relative to the base is such that the base is movable with respect to a support edge of the bracket in a direction substantially perpendicular to a plane of the door by 2-6 mm while maintaining pressure between the support edge and the edge of the opening as shown in figure 5;

regarding claim 15, a plurality of receivers (not numbered, but shown in figure 1) for one of a window-lifting mechanism 32, 34, 36, 38 and a loudspeaker.

Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lau et al. (US 5048234). Lau et al. discloses a motor vehicle door 10, comprising: a module including a base body 24, the base body including a base 24 and at least one bracket 52 movable with respect to the base, the bracket including a supporting surface (not numbered, but shown in figure 4) supporting an edge of an opening 22 in the door, the bracket including at least one fixation point (not numbered, but comprising the hole through which the bolt 66 extends) for fastening to a door trim 70;

regarding claim 14, the door includes an inner panel 14 and wherein the opening 22 is a cut-out of the inner panel and is covered by the door module;

regarding claim 15, the opening is at least partly limited by a frame of the door.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al. as applied to claims 1-3, 5-9 and 11-15 above, and further in view of Marriott et al. (US 6676195). Lau et al. is silent concerning a seal extending around the periphery of the opening.

However, Marriott et al. discloses a peripheral seal 20 extending around a perimeter of an opening (not numbered, but shown in figure 5) to limit the passage of moisture through the opening.

It would have been obvious to one of ordinary skill in the art to provide Lau et al. with a seal, as taught by Marriott et al., to prevent moisture from infiltrating into the vehicle compartment.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al. as applied to claims 1-3, 5-9 and 11-15, as set forth above. Lau et al. is silent concerning 8 to 12 brackets.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide Lau et al. with 8-12 brackets to increase the amount of force needed to displace the base during a collision.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/  
Primary Examiner, Art Unit 3634